

DECISION



**THE COMPTROLLER GENERAL
OF THE UNITED STATES**
WASHINGTON, D. C. 20548

60211

FILE: B-185315

DATE: November 24, 1975

MATTER OF: Infrared Industries, Inc.

97686

DIGEST:

Protest filed in our Office more than 10 working days after basis of protest was known or should have been known is untimely and therefore will not be considered on merits.

This is a protest by Infrared Industries, Inc. (Infrared), against the award of a contract to MSA Company, under invitation for bids (IFB) No. CI 75-E124, issued by the Environmental Protection Agency, National Environmental Research Center, Cincinnati, Ohio. Infrared contends that its bid should not have been rejected for failure to conform to the specifications in the IFB.

The record indicates that bid opening date was on July 14, 1975. By letter dated October 20, 1975, and received by Infrared on October 23, 1975, the contracting officer informed Infrared that its bid had been rejected for failure to meet the specifications of the IFB and that an award had been made to the MSA Company. Infrared's protest dated October 31, 1975, was received in our Office on November 11, 1975.

Section 20.2(b)(2) of our Bid Protest Procedures, 40 Fed. Reg. 17979 (1975), provides in part that bid protests shall be filed not later than 10 days after the basis for protest is known or should have been known, whichever is earlier. Since Infrared knew the basis for its protest on October 23, 1975, a protest should have been filed in our Office by November 7, 1975. Accordingly, the protest is untimely and will not be considered on the merits.

for Milton Fowler
Paul G. Dembling
General Counsel